

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT	:	
OPPORTUNITY COMMISSION,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 07 Civ. 8376
GLORIANNE ROMANO,	:	
	:	
Plaintiff-Intervenor,	:	<u>ANSWER</u>
	:	
- against -	:	
	:	
HUDSON VALLEY HOSPITAL CENTER,	:	
	:	
Defendant.	:	

Defendant, Hudson Valley Hospital Center (hereinafter the "Hospital"), by and through its attorneys, Putney, Twombly, Hall & Hirson LLP, as and for its answer to Plaintiff-Intervenor's ("Romano") Complaint, answers as follows:

Denies each and every allegation contained in the Complaint paragraph entitled Nature of the Action.

1. Denies the allegations contained in Paragraph 1 of the Complaint, except admits that Romano purports to proceed as stated therein.

2. Denies the allegations contained in Paragraph 2 of the Complaint, except admits that Romano purports to proceed as stated therein.

3. Denies the allegations contained in Paragraph 3 of the Complaint, except admits that Romano purports to proceed as stated therein.

4. Denies the allegations contained in Paragraph 4 of the Complaint.

5. Denies the allegations contained in Paragraph 5 of the Complaint.

6. Denies the allegations contained in Paragraph 6 of the Complaint.

7. Denies the allegations contained in Paragraph 7 of the Complaint on the basis that it calls for a legal conclusion.

8. Denies the allegations contained Paragraph 8 of the Complaint.

9. Admits the allegations contained in Paragraph 9 of the Complaint.

10. Denies the allegations contained in Paragraph 10 of the Complaint on the basis that it calls for a legal conclusion.

11. Denies the allegations contained in Paragraph 11 of the Complaint on the basis that it calls for a legal conclusion.

12. With respect to Paragraph 12 of the Complaint, Defendant repeats and realleges each and every response to the allegations of the Equal Employment Opportunity Commission Complaint (“EEOC Complaint”), in this action as if fully set forth herein.

13. Denies the allegations contained in Paragraph 13 of the Complaint.

14. Denies the allegations contained in Paragraph 14 of the Complaint.

15. Admits the allegations contained in Paragraph 15 of the Complaint.

16. Denies the allegations contained in Paragraph 16 of the Complaint.

17. Denies the allegations contained in Paragraph 17 of the Complaint, except admits that the Hospital granted Plaintiff a temporary change in her work schedule.

18. Denies the allegations contained in Paragraph 18 of the Complaint.

19. Denies the allegations contained in Paragraph 19 of the Complaint.

20. Denies the allegations contained in Paragraph 20 of the Complaint.

21. Denies the allegations contained in Paragraph 21 of the Complaint.

22. Denies the allegations contained in Paragraph 22 of the Complaint.

23. With respect to Paragraph 23 of the Complaint, Defendant repeats and realleges each and every response to the allegations of the EEOC Complaint in this action and to Paragraphs 1 through 22, inclusive, above as if fully set forth herein.

24. Denies the allegations contained in Paragraph 24 of the Complaint.

25. Denies the allegations contained in Paragraph 25 of the Complaint.

26. Denies the allegations contained in Paragraph 26 of the Complaint.

27. Denies the allegations contained in Paragraph 27 of the Complaint.

28. Denies the allegations contained in Paragraph 28 of the Complaint.

29. With respect to Paragraph 29 of the Complaint, Defendant repeats and realleges each and every response to the allegations of the EEOC Complaint in this action and to Paragraphs 1 through 28, inclusive, above as if fully set forth herein.

30. Denies the allegations contained in Paragraph 30 of the Complaint.

31. Denies the allegations contained in Paragraph 31 of the Complaint.

32. Denies the allegations contained in Paragraph 32 of the Complaint.

33. Denies the allegations contained in Paragraph 33 of the Complaint.

34. Denies the allegations contained in Paragraph 34 of the Complaint.

AS AND FOR A FIRST DEFENSE

35. Any and all actions taken by the Hospital were based on legitimate non-discriminatory reasons unrelated to any disability or perceived disability of Plaintiff and unrelated to any invocation or exercise by her of her rights arising under Federal, State or local law.

AS AND FOR A SECOND DEFENSE

36. Upon information and belief, Romano has failed to mitigate her damages, the existence of which is denied, as required under applicable law. Therefore, Romano is not entitled to any relief.

AS AND FOR A THIRD DEFENSE

37. The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR A FOURTH DEFENSE

38. The claims in the Complaint are barred, in whole or in part, by the relevant Statute(s) of Limitations.

AS AND FOR A FIFTH DEFENSE

39. The Complaint is barred, in whole or in part, to the extent it relies upon, or refers to claims not asserted in the Charge of Discrimination.

AS AND FOR A SIXTH DEFENSE

40. The claims in the Complaint are barred by the doctrines of waiver and estoppel.

AS AND FOR A SEVENTH DEFENSE

41. Plaintiff does not have a disability as that term is defined by The Americans with Disabilities Act (“ADA”) or any other Federal, State or local law.

AS AND FOR AN EIGHTH DEFENSE

42. The work schedule requested by Plaintiff constituted an undue hardship for the Hospital.

AS AND FOR A NINTH DEFENSE

43. The Hospital offered Plaintiff other reasonable accommodations for her alleged disability, which she refused.

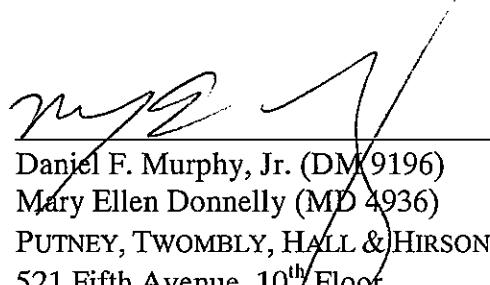
44. Therefore, Romano is not entitled to recovery.

AS AND FOR A TENTH DEFENSE

45. At all relevant times, the Hospital fulfilled all of its obligations under the ADA and all other federal, state, and local anti-discrimination laws.

WHEREFORE, Defendant demands judgment dismissing the Complaint in its entirety, with prejudice, and awarding the Hospital its costs, fees, (including attorneys' fees) and disbursements incurred in defending this action, and such other and further relief as this Court may deem just and proper.

Dated: New York, New York
April 7, 2008


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CERTIFICATE OF SERVICE

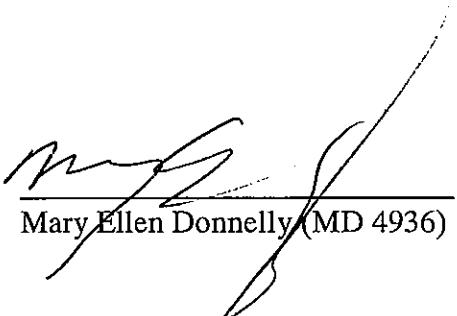
The undersigned, a member of the Bar of this Court, hereby certifies that she caused a true and accurate copy of the foregoing ANSWER to be filed electronically with the Court and to be served via electronic filing and regular mail on April 7, 2008 upon:

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